



**CITY OF GARDNER  
ZONING BOARD OF APPEALS  
CITY HALL ANNEX, ROOM 101  
GARDNER, MA 01440  
(978) 630-4007 • Fax (978) 632-3313**

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**MINUTES**

**Zoning Board of Appeals Decision Meeting – September 24, 2016  
Police Station, Police Chief's Conference Room  
Gardner, Massachusetts**

**Sitting in on Hearing:**

Raymond E. LaFond, Chairman  
Michael D. Gerry, Third Member  
Randall W. Heglin, Clerk

**In Attendance:**

Mr. & Mrs. Pranavkumar Patel 157 West St.

**Meeting Called To Order by:** Raymond LaFond, Chairman, @ 10:00 a.m., Police Station, Police Chief's Conference Room.

**Decisions**

**Case #2016-08-01.** Pranavkumar Patel of 208 Lawrence Street, Gardner, MA applied for a Variance to install two signs, one 32 sq. ft. free standing sign with a front setback of six feet and a side setback of two feet, and one fifty square foot wall mounted sign, for a total signage of 82 sq. ft., at 157 West Street, Gardner Parcel ID #M27-23-28 which was denied by the Building Commissioner as it is not a permitted use in the GR3 zoning district and because it does not conform with Chapter 675, Article 9 of the City Code of Gardner. Chapter 67-920 G. No sign shall be erected with any part closer than 10 feet to the traveled roadway or side or rear yard lot lines. Chapter 679 950 A in residential districts, one sign identifying any other use which is conducted on the premises and is permitted in residential districts. All such signs shall not exceed two square feet of display area and if lit shall use indirect white light only.

Michael Gerry made a motion to move on the Variance for Pranavkumar Patel regarding his request for to install two signs, one free standing and the other a wall sign at 147 West St. Seconded by Randall Heglin.  
So voted. 3-0.

Ray LaFond reported that the property is a small lot. There was a free standing sign in the middle of the parking lot that has been taken down per previous decision of the Board. The location for the new sign will be placed where there will be no safety issue. Mr. Patel had made mock ups of wording and placement of the two signs to be discussed and the Board members had previously viewed the property to see the placement of these signs. Mr. Patel is requesting a 32 sq. foot sign.

There were no issues by the board members. Mike Gerry made a motion to approve the 32 ft. free standing sign. Seconded by Randy Heglin. So voted. 3-0.

The second sign being requested is for a 50 ft. wall mounted sign with the same verbiage as the free standing sign. Neither sign will be illuminated. Ray LaFond stated that the property is in the Residential zone. After discussion by the board, the agreed that it was pretty excessive having two signs saying the same thing. Mike Gerry suggested that the wall sign just have the name of the business on it. Ray LaFond stated that having a sign with so much verbiage would be a distraction for the public driving by trying to read it and could be distraction to traffic. Ray LaFond suggested the sign be a different size. Mike Gerry thought 2ft. high by 6 ft. or 8 ft. long would be good. After asking Mr. Patel about the size of the sign, Mr. Patel stated he would consider a 2 ft by 8 ft. sign.

Mike Gerry made a motion to allow the wall mounted sign with the following condition that the sign have the name of the business and the hours of business on it and it is to not to exceed 2 ft. height and 8 ft. wide and will not be illuminated. All in favor. So voted. 3-0.

**Case #2016-08-02** Alexander Lussier of 61 Sylvan Road, Gardner, MA applied for a Special Permit to conduct earth alterations by re-grading the rear of his property in Gardner, MA Parcel ID #R17-6-34. Denied by the Building Commissioner as it does not comply with Chapter 675-1070: Earth moving and earth alterations of City Code of Gardner. The Table of Uses #28 refers to Chapter 675-1070 which states that the use requested requires a Special Permit issued by the Gardner Zoning Board of Appeals.

Mike Gerry made a motion to move to the Appeal for a Special Permit for Mr. Lussier to conduct earth alterations at his property on 61 Sylvan Road. The Board did a site inspection on Friday along with an abutter, Ronald Dyer from 86 Jackson Hill Rd. Ray stated the Mr. Lussier's request makes a lot of since. He wants to stabilize the back hill to expand his back yard. There was no opposition from the Board.

Ray stated that there is a significant incline there and the work Mr. Lussier wants to do will improve the drainage issue. Mr. Dyer has no opposition to what work Mr. Lussier wants to do. Randy reported that the work being done is to improve his own personal property. The excess fill being removed is so little. He feels the property owner should have a right to improve his own backyard.

After review the Special Permit Criteria, the Board will put the following conditions on the earth alteration project:

- Monday-Friday 7:30 to 5:00 p.m.
- Saturday 8 a.m. to noon
- No work on Sundays and legal holidays.
- The applicant will follow the work plan prepared by the Shuris Group, LLC in execution of this project.

Mike Gerry made a motion to approve the Special Permit with conditions work to be done Monday-Friday 7:30 to 5:00 p.m., Saturday, 8:00 a.m. to noon and no work to be done one Sunday and legal holidays and work is to be done by the work plan submitted of the Engineer. Seconded by Randy Heglin. So voted. 3-0.

### **Adjournment**

No other items on agenda. Mike Gerry made a motion to adjourn, seconded by Randy Heglin. 3-0 So voted.

The meeting adjourned at 10:48 a.m.

Next Public Hearing Meeting will be on Tuesday, October 18, 2016, 2016, at 7:00 p.m. in Room 103, City Hall Annex.

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Raymond F. LaFond, Chairman

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Michael D. Gerry, Third

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Randall W. Heglin, Clerk

**All detailed conversations, questions, comments & concerns are documented on DVD identified as Sept. 24, 2016.**